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INCORPORATED
WILMINGTON, DELAWARE 19898

ENGINEERING DEPARTMENT

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DATE 9/5/80
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June 18, 1974

N. K. WALTERS
EMPLOYEE RELATIONS DEPARTMENT
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EMPLOYEE RELATIONS - SAFETY & FIRE PROTECTION
OCCUPATIONAL ENVIRONMENTAL CONTROL - ASBESTOS - DUST

During our recent Company-wide conference on thermal insulating materials, questions were raised as to what constitutes "exposure to asbestos". As you know, OSHA requires certain medical examinations for workers who are exposed to asbestos. Unfortunately, the OSHA regulation does not define "exposure". At the conference, one of the NIOSH personnel stated his interpretation of "exposure to asbestos" to be exposures greater than 2 fibers/cc (vs. the time weighted average TLV of 5 fibers/cc). On the other hand, the NIOSH criteria for a recommended standard defines "exposure to asbestos" to be time weighted average exposures above 1 fiber/cc or peak exposures above 5 fibers/cc.

Because of the confusion, I called Mr. C. Ray McClure, Chief of the Division of Occupational Health, Department of Labor, Washington, D. C. His office has responsibility for interpreting OSHA regulations. This letter is to inform you of DOL's interpretations for your consideration and use.

1. According to McClure, an occupational "exposure to asbestos" is interpreted by DOL to be any measurable level above clean outside air (DOL cannot hold the employer responsible for "clean" air levels, i.e. levels over which the employer has no control). McClure added that the reason for this interpretation is that "we do not know what a hazardous concentration of asbestos really is". He went on to say that DOL, in taking this stand, disagrees with the NIOSH interpretation, which, of course, has no legal status.

2. McClure had no knowledge whether or not DOL's interpretation had been tested in the courts, but it has been cleared by the DOL solicitor.

3. In light of DOL's interpretation, McClure states that medical examinations specified in the OSHA standard are to be given to every employee who is regularly exposed to asbestos in the course of his work.

If there are any questions, please call me.

ENGINEERING SERVICE DIVISION

Frank H. Fuller, Consultant
Heat Stress, Dust and Fume Abatement Control
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FHF:ctb

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